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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 United States of America,

10 Plaintiff,

11 v.

12 Jessica Bridget Soto,

13 Defendant.
14

No. CR-16-00478-019-TUC-JGZ (LAB)

ORDER

15 Pending before the Court is a Report and Recommendation issued by United
16 States Magistrate Leslie A. Bowman that recommends denying Defendant Jessica Bridget
17 Soto's Motion to Suppress. (Doc. 802.) Petitioner filed an Amended Objection to the
18 R&R on September 13, 2017. (Doc. 869.) For the reasons stated herein, the Court will
19 deny the Objection and adopt the R&R.

20 When reviewing a Magistrate Judge's Report and Recommendation, this Court
21 "shall make a de novo determination of those portions of the report ... to which objection
22 is made," and "may accept, reject, or modify, in whole or in part, the findings or
23 recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C); *see also*
24 *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991) (*citing Britt v. Simi Valley*
25 *Unified Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983)). Failure to object to a Magistrate
26 Judge's recommendation relieves the Court of conducting de novo review of the
27 Magistrate Judge's factual findings; the Court then may decide the matter on the
28 applicable law. *Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979) (citing

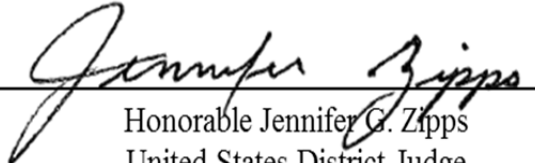
1 *Campbell v. United States Dist. Ct.*, 501 F.2d 196 (9th Cir. 1974)).). If the Court rejects
2 the credibility findings of the magistrate judge, a *de novo* hearing is required. *United*
3 *States v. Ridgway*, 300 F.3d 1153, 1157 (9th Cir. 2002).

4 As thoroughly explained by Magistrate Judge Bowman, DPS Trooper Kinser's
5 stop of Defendant's vehicle was supported by reasonable suspicion. Based on
6 Defendant's commission of a traffic violation. Defendant does not deny that she violated
7 A.R.S. § 28-721.B. Consequently, whether Officer Kinser subjectively considered the
8 BOLO is irrelevant. *See United States v. Orozco*, 858 F.3d 1204, 1210 (9th Cir. 2012)
9 (where vehicle stop is based on reasonable suspicion, the subjective intent of the law
10 enforcement officer is irrelevant). Having reviewed the transcript and the parties' briefs,
11 the Court rejects Defendant's claim that DPS Trooper Kinser's testimony was not
12 credible and declines to disturb the credibility finding of the Magistrate. As Defendant's
13 objections do not undermine the analysis and proper conclusion reached by Magistrate
14 Judge Bowman, Defendant's objections are rejected and the Report and Recommendation
15 is adopted.

16 Accordingly, IT IS HEREBY ORDERED as follows:

- 17 1. The Report and Recommendation (Doc. 802) is accepted and adopted;
18 2. Defendant's Motion to Suppress (Doc. 498) is DENIED.

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20 Dated this 27th day of September, 2017.

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23 
24 Honorable Jennifer G. Zipps
25 United States District Judge
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